

111TH CONGRESS
2D SESSION

H. R. 6540

AN ACT

To require the Secretary of Defense, in awarding a contract for the KC-X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Defense Level Playing
3 Field Act”.

4 **SEC. 2. CONSIDERATION OF UNFAIR COMPETITIVE ADVAN-**
5 **TAGE IN EVALUATION OF OFFERS FOR KC-X**
6 **AERIAL REFUELING AIRCRAFT PROGRAM.**

7 (a) REQUIREMENT TO CONSIDER UNFAIR COMPETI-
8 TIVE ADVANTAGE.—In awarding a contract for the KC-
9 X aerial refueling aircraft program (or any successor to
10 that program), the Secretary of Defense shall, in evalu-
11 ating any offers submitted to the Department of Defense
12 in response to a solicitation for offers for such program,
13 consider any unfair competitive advantage that an offeror
14 may possess.

15 (b) REPORT.—Not later than 60 days after submis-
16 sion of offers in response to any such solicitation, the Sec-
17 retary of Defense shall submit to the congressional defense
18 committees a report on any unfair competitive advantage
19 that any offeror may possess.

20 (c) REQUIREMENT TO TAKE FINDINGS INTO AC-
21 COUNT IN AWARD OF CONTRACT.—In awarding a contract
22 for the KC-X aerial refueling aircraft program (or any
23 successor to that program), the Secretary of Defense shall
24 take into account the findings of the report submitted
25 under subsection (b).

1 (d) UNFAIR COMPETITIVE ADVANTAGE.—In this sec-
2 tion, the term “unfair competitive advantage”, with re-
3 spect to an offer for a contract, means a situation in which
4 the cost of development, production, or manufacturing is
5 not fully borne by the offeror for such contract.

Passed the House of Representatives December 21,
2010.

Attest:

Clerk.

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